



New South Wales

Civil Procedure Amendment (Fees) Regulation 2015

under the

Civil Procedure Act 2005

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Procedure Act 2005*.

GABRIELLE UPTON, MP
Attorney General

Explanatory note

The objects of this Regulation are as follows:

- (a) to increase certain fees payable in relation to civil proceedings generally or in relation to the functions exercised by the Sheriff,
- (b) to introduce a tiered fee structure for the filing of originating processes in Class 8 of the Land and Environment Court's jurisdiction, being mining matters.
- (c) to introduce new daily hearing fees for matters in the District Court civil proceedings list,

This Regulation is made under the *Civil Procedure Act 2005*, including section 18 (Fees).

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1 Name of Regulation

This Regulation is the *Civil Procedure Amendment (Fees) Regulation 2015*.

2 Commencement

This Regulation commences on 1 August 2015 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Civil Procedure Regulation 2012

[1] Clause 4 Fees payable in relation to court proceedings

Insert “or an incorporated partnership” after “a corporation” wherever occurring in clause 4 (2) (b), (3) and (4).

[2] Clause 4 (4)

Insert “or incorporated partnership” after “the corporation” wherever occurring.

[3] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

Part 1 Supreme Court

| | Column 1 | Column 2 | Column 3 |
|------|--|--------------|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 1 | Filing an originating process (other than an originating process referred to in items 2–6) | \$1,054.00 | \$2,886.00 |
| 2 | Filing an originating process by which an application for a grant of representation, or resale of a grant of representation, in respect of an estate the sworn gross value of which: | | |
| | (a) is less than \$100,000.00 | Nil | — |
| | (b) is \$100,000.00 or more but less than \$250,000.00 | \$702.00 | — |
| | (c) is \$250,000.00 or more but less than \$500,000.00 | \$953.00 | — |
| | (d) is \$500,000.00 or more but less than \$1,000,000.00 | \$1,460.00 | — |
| | (e) is \$1,000,000.00 or more but less than \$2,000,000.00 | \$1,946.00 | — |
| | (f) is \$2,000,000.00 or more but less than \$5,000,000.00 | \$3,243.00 | — |
| | (g) is \$5,000,000.00 or more | \$5,406.00 | — |
| 3 | Filing in the Court of Appeal a notice of intention to appeal | \$301.00 | \$689.00 |
| 4 | Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in proceedings where a notice of intention to appeal has been filed by the same party | \$1,078.00 | \$2,110.00 |
| 5 | Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in proceedings where a notice of intention to appeal has not been filed by the same party | \$1,380.00 | \$2,798.00 |
| 6 | Filing in the Court of Appeal a notice of appeal or notice of cross-appeal: | | |
| | (a) in proceedings where leave to appeal has been granted | \$2,127.00 | \$4,313.00 |

| Column 1 | | Column 2 | Column 3 |
|----------|---|---------------------|-----------------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| | (b) in proceedings where a notice of intention to appeal has been filed by the same party | \$3,205.00 | \$6,424.00 |
| | (c) in any other proceedings | \$3,507.00 | \$7,112.00 |
| 7 | Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge | \$2,104.00 | \$4,809.00 |
| 8 | Filing a requisition for trial by jury | \$1,088.00 | \$2,175.00 |
| 9 | Retaining a jury after the first day of trial Note. The fees under this item are to be paid by the party requesting a jury for the trial. | \$496.00 per day | \$992.00 per day |
| 10 | Referring proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i> | \$813.00 | — |
| 11 | Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i> | \$619.00 | \$1,241.00 |
| 12 | Hearing of proceedings by one or more judges, for each day of hearing or part of a day of hearing: | | |
| | (a) on the 2nd, 3rd or 4th day | \$838.00 | \$1,924.00 |
| | (b) on the 5th, 6th, 7th, 8th or 9th day | \$1,348.00 | \$3,342.00 |
| | (c) on or after the 10th day | \$2,713.00 | \$6,594.00 |
| 13 | Hearing of proceedings by an associate judge, for each day of hearing or part of a day of hearing on or after the 2nd day | \$737.00 | \$1,474.00 |
| 14 | Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages | \$711.00 per volume | \$1,423.00 per volume |
| 15 | Filing a notice of motion | \$386.00 | \$884.00 |
| 16 | Preparing a copy of a will | \$58.00 | — |
| 17 | Conducting a genealogical search on a probate file (for each file searched) | \$113.00 | — |
| 18 | Conducting a search for an application for a grant of representation or reseal of a grant of representation (for each file searched) | \$58.00 | — |
| 19 | Lodging a caveat against an application for a grant of representation or reseal of a grant of representation | \$41.00 | \$82.00 |
| 20 | Conducting an adoption search (for each file searched) | \$58.00 | — |
| 21 | Issuing a registrar's certificate as to the signature of a public notary | \$58.00 | — |
| 22 | Publishing on the NSW Online Registry website a notice of intention to apply for a grant of representation or reseal of a grant of representation | \$43.00 | — |
| 23 | Publishing on the NSW Online Registry website a notice of intended distribution | \$43.00 | — |
| 24 | Publishing on the NSW Online Registry website a notice of application for passing accounts | \$43.00 | — |

| | Column 1 | Column 2 | Column 3 |
|------|---|--------------|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 25 | Republishing on the NSW Online Registry website a notice of intention to apply for a grant of representation or resale of a grant of representation | \$17.50 | — |
| 26 | Republishing on the NSW Online Registry website a notice of intended distribution | \$17.50 | — |
| 27 | Republishing on the NSW Online Registry website a notice of application for passing accounts | \$17.50 | — |

Part 2 Land and Environment Court

Note. Fees that are payable in relation to proceedings before the Land and Environment Court in Class 5, 6 or 7 of its jurisdiction are set out in Part 1 of Schedule 2 to the *Criminal Procedure Regulation 2010*.

| | Column 1 | Column 2 | Column 3 |
|------|--|--------------|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 1 | Filing an originating process in Class 1 of the Court's jurisdiction (other than an originating process referred to in item 2) | \$897.00 | \$1,794.00 |
| 2 | Filing an originating process in Class 1 of the Court's jurisdiction under section 97 of the <i>Environmental Planning and Assessment Act 1979</i> where the matter relates to a development application or to a building application, and where the value of the development or building: | | |
| | (a) is less than \$500,000.00 | \$897.00 | \$1,794.00 |
| | (b) is \$500,000.00 or more but less than \$1,000,000.00 | \$4,103.00 | \$5,448.00 |
| | (c) is \$1,000,000.00 or more | \$5,125.00 | \$6,807.00 |
| 3 | Filing an originating process in Class 2 of the Court's jurisdiction (other than an originating process referred to in item 4) | \$897.00 | \$1,794.00 |
| 4 | Filing an originating process in Class 2 of the Court's jurisdiction where the matter relates to an application under the <i>Trees (Disputes Between Neighbours) Act 2006</i> | \$234.00 | \$468.00 |
| 5 | Filing an originating process in Class 3 of the Court's jurisdiction (other than an originating process referred to in item 6 or 7) | \$897.00 | \$1,794.00 |
| 6 | Filing an originating process in Class 3 of the Court's jurisdiction where the matter relates to an appeal or objection against a valuation of land, and where the value of the land, as determined by the respondent valuing authority: | | |
| | (a) is less than \$500,000.00 | \$315.00 | \$630.00 |
| | (b) is \$500,000.00 or more but less than \$1,000,000.00 | \$496.00 | \$992.00 |
| | (c) is \$1,000,000.00 or more | \$897.00 | \$1,794.00 |

| | Column 1 | Column 2 | Column 3 |
|------|--|--------------|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 7 | Filing an originating process in Class 3 of the Court's jurisdiction where the matter relates to a claim for compensation for the compulsory acquisition of land, as referred to in section 24 of the <i>Land and Environment Court Act 1979</i> , and where the amount offered as compensation by the resuming or constructing authority: | | |
| | (a) is less than \$500,000.00 | \$897.00 | \$1,794.00 |
| | (b) is \$500,000.00 or more but less than \$1,000,000.00 | \$4,103.00 | \$5,448.00 |
| | (c) is \$1,000,000.00 or more | \$5,125.00 | \$6,807.00 |
| 8 | Filing an originating process in Class 4 of the Court's jurisdiction | \$897.00 | \$1,794.00 |
| 9 | Filing an originating process in Class 8 of the Court's jurisdiction where the matter relates to small-scale title within the meaning of the <i>Mining Act 1992</i> | \$234.00 | \$468.00 |
| 10 | Filing an originating process in Class 8 of the Court's jurisdiction (other than an originating process referred to in item 9) | \$897.00 | \$1,794.00 |
| 11 | Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i> | \$2,096.00 | \$4,192.00 |
| 12 | Filing a notice of motion | \$208.00 | \$416.00 |

Part 3 District Court

| | Column 1 | Column 2 | Column 3 |
|------|---|------------------|------------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 1 | Filing an originating process (other than an originating process referred to in item 2) | \$640.00 | \$1,280.00 |
| 2 | Filing an originating process in relation to an appeal | \$263.00 | \$526.00 |
| 3 | Allocating a date for hearing of the proceedings by a judge, a judge and jury or a judicial registrar | \$684.00 | \$1,368.00 |
| 4 | Filing a requisition for trial by jury | \$1,093.00 | \$2,186.00 |
| 5 | Retaining a jury after the first day of trial Note. The fees under this item are to be paid by the party requesting a jury for the trial. | \$496.00 per day | \$992.00 per day |
| 6 | Referring proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i> | \$809.00 | — |
| 7 | Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i> | \$619.00 | \$1,238.00 |
| 8 | Filing a notice of motion | \$82.00 | \$164.00 |

| Column 1 | | Column 2 | Column 3 |
|----------|--|--------------|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 9 | Hearing of proceedings by one or more judges, for each day of hearing or part of a day of hearing: | | |
| | (a) on the 2nd, 3rd or 4th day | \$400.00 | \$800.00 |
| | (b) on the 5th, 6th, 7th, 8th or 9th day | \$700.00 | \$1,400.00 |
| | (c) on or after the 10th day | \$1,000.00 | \$2,000.00 |

Part 4 Local Court

| Column 1 | | Column 2 | Column 3 |
|----------|---|--|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 1 | Filing an originating process, under Part 3 of the <i>Local Court Act 2007</i> , in the Local Court sitting in its General Division | \$234.00 | \$468.00 |
| 2 | Filing an originating process, under Part 3 of the <i>Local Court Act 2007</i> , in the Local Court sitting in its Small Claims Division | \$95.00 | \$190.00 |
| 3 | Filing an application notice under Part 4 of the <i>Local Court Act 2007</i> | \$89.00 | — |
| 4 | Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i> | \$409.00 | \$818.00 |
| 5 | Serving or attempting service by post of originating process by the Local Court | \$40.00 for each address to which process posted | — |
| 6 | Filing a notice of motion | \$82.00 | \$164.00 |
| 7 | Filing a notice of appeal, or application for leave to appeal, to the District Court under Part 3 of the <i>Crimes (Appeal and Review) Act 2001</i> , as applied to proceedings under Part 4 of the <i>Local Court Act 2007</i> : | | |
| | (a) in relation to a single notice | \$111.00 | — |
| | (b) in relation to more than 1 notice arising from the same court appearance | \$58.00 | — |

Part 5 Miscellaneous court fees

| Column 1 | | Column 2 | Column 3 |
|----------|--|--------------|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 1 | Issuing a subpoena (for production, to give evidence, or both) | \$80.00 | \$160.00 |

| Column 1 | | Column 2 | Column 3 |
|----------|--|---|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| 2 | Receipt by the registrar of a document or thing produced in compliance with a notice to produce under Part 34 of the <i>Uniform Civil Procedure Rules 2005</i> | \$80.00 | \$160.00 |
| 3 | Filing or registering a copy or certificate of a judgment, order, determination, decree, adjudication or award of any other court or person under section 133 of the <i>Civil Procedure Act 2005</i> | \$88.00 | \$176.00 |
| 4 | Opening or keeping open the registry or part of the registry: (a) on a Saturday, Sunday or public holiday (b) on any other day before 9 am or after 5 pm | \$705.00 | \$1,410.00 |
| 5 | Requesting production to the court of documents held by another court | \$58.00 | \$116.00 |
| 6 | Furnishing one or more sealed or certified copies of a judgment or order, or of the written opinion or reasons for opinion of any judicial or other officer of the court | \$58.00 | — |
| 7 | Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by items 6, 8 and 10) | \$12.50, plus \$6.50 for each 10 pages (or part of 10 pages) after the first 20 pages | — |
| 8 | Retrieving and providing access to, but not furnishing a copy of, any file or box of files, where the file or box of files is retrieved from: (a) the Government Records Repository or any other off-site storage facility (other than the State Archives): (i) standard retrieval request (ii) non-standard retrieval request (including an urgent, high or after hours priority retrieval request or a retrieval request for delivery to or from a regional location outside the Sydney metropolitan area) (b) the State Archives—standard retrieval request | \$13.50 per file or box of files Such additional fee incurred by a court \$33.50 per file or box of files | — — — |
| 9 | Supplying a duplicate recording of sound-recorded evidence—per cassette tape or disc | \$50.00 | — |
| 10 | Supplying a copy of a transcript of any proceedings: (a) where the matter being transcribed is under 3 months old | \$85.00, plus an additional \$10.50 for each page after the first 8 pages | — |

| | Column 1 | Column 2 | Column 3 |
|------|--|--|-----------------|
| Item | Matter for which fee payable | Standard fee | Corporation fee |
| | (b) where the matter being transcribed is 3 months old or older | \$105.00, plus an additional \$12.00 for each page after the first 8 pages | — |
| | Note. A person who is supplied with a copy of a transcript of any court proceedings by a third party provider (not being a court or the Department of Justice's Reporting Services Branch) may be liable to pay a fee stipulated by that provider for that service. Such a fee is not subject to this item. | | |
| 11 | Providing any service for which a fee is not otherwise imposed by this Schedule | \$41.00 | \$82.00 |
| | Note. A fee may not be imposed under this item except with the approval of the registrar. | | |

[4] **Schedule 2**

Omit the Schedule. Insert instead:

Schedule 2 Sheriff's fees

(Clause 5)

| | Column 1 | Column 2 |
|------|--|---|
| Item | Matter for which fee payable | Fee |
| 1 | Serving or attempting service of any document, including service by post and preparation of affidavit of service | \$64.00 for each address at which, and each occasion on which, service is effected or attempted |
| 2 | Executing or attempting execution of an arrest warrant under section 97 of the <i>Civil Procedure Act 2005</i> | \$80.00 for each address at which, and each occasion on which, execution is effected or attempted |
| 3 | Executing or attempting execution of a writ of possession under Part 8 of the <i>Civil Procedure Act 2005</i> | \$332.00 for each address at which, and each occasion on which, execution is effected or attempted |
| 4 | Executing or attempting execution of a writ of delivery under Part 8 of the <i>Civil Procedure Act 2005</i> | \$80.00 for each address at which, and each occasion on which, execution is effected or attempted |
| 5 | Executing or attempting execution of a writ for the levy of property under Part 8 of the <i>Civil Procedure Act 2005</i> | \$80.00 for each address at which, and each occasion on which, execution is effected or attempted, plus 3% of the proceeds of enforcement |
| | Note. The 3% levy in Column 2 is not payable in relation to writs executed by the Marshal in Admiralty. | |
| 6 | Executing or attempting execution of any court process (other than a warrant or writ referred to in item 2, 3, 4 or 5) | \$332.00 for each address at which, and each occasion on which, execution is effected or attempted |

| Column 1 | | Column 2 |
|-----------------|---|---|
| Item | Matter for which fee payable | Fee |
| 7 | Preparing for sale of land following receipt of notice of sale from judgment creditor under rule 39.22 of the <i>Uniform Civil Procedure Rules 2005</i> | \$814.00 |
| 8 | Furnishing a certified copy of a writ for the levy of property for registration under section 105A of the <i>Real Property Act 1900</i> | \$25.00 |
| 9 | Providing Sheriff's officers to guard property seized under a writ of execution under Part 8 of the <i>Civil Procedure Act 2005</i> | \$444.00 per Sheriff's officer per day |
| 10 | Attending a view by a jury in civil proceedings | \$176.00 |
| 11 | Opening or keeping open the Sheriff's office on a Saturday, Sunday or public holiday or on any other day before 9 am or after 5 pm | \$712.00 |
| 12 | Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided by item 8) | \$12.50, plus \$6.50 for each 10 pages (or part of 10 pages) after the first 20 pages |